

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

**Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.**

**Richardton, North Dakota**

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99-40  
MM Docket No. 9940  
RM-9465

To: Chief, Allocations Branch, Mass Media Bureau

**COMMENTS OF HIGH PLAINS BROADCASTING, INC.**

High Plains Broadcasting, Inc. ("HPBI"), the petitioner in the above-captioned proceeding, by its attorneys and pursuant to Section 1.419 and 1.420 of the Commission's Rules, respectfully urges the Commission to adopt the proposed change to the FM Table and allot Channel 270C to Richardton, North Dakota.

HPBI's Petition and its exhibits in this proceeding, which these comments incorporate by reference in their entirety, establish that this proposal will serve the public interest. The allotment of Channel 270C to Richardton, North Dakota, will provide that community with its first local aural transmission service, which has long been a fundamental and sufficient basis for adding to the FM Table of Allotments.

Richardton, a census designated city of 625 persons, see *1990 Census of Population and Housing, North Dakota* at 40 (1993), merits its own aural transmission service. Richardton is located 22 miles east of Dickinson. The community, which elects its own mayor and city council and has its own zip code (58652) and post office, also maintains the Richardton Public School, the Richardton Rural Fire Department, and the Richardton Swimming Pool. Commercially, Richardton has a number of business enterprises, including the Richardton Food Depot, the Richardton Health

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Center, a Farmer's Union and a Schwab Oil Company, at least two banks, two hair stylists, a few craft and homeware outlets, a variety of repair shops, a drug store, and a meat market. Richardton has both a general and dental clinic and a senior center. At least two religious denominations maintain buildings and services in Richardton, including a Lutheran and a Catholic congregation. In addition, Richardton has its own social organizations, including American Legion Post #180, a Knights of Columbus, a Lions Club, a 4-H group, and a Little League. Under Commission precedent, the presence of these civic, business, religious and social indicia, as well as Richardton's status as a census designated place, demonstrate that Richardton is a community deserving of its own aural transmission service. See, e.g., *Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991). That the local phone book has a section entitled Richardton confirms this result.

The above proposal would enable Richardton to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible. 1/

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1/ To the extent possible, HPBI prefers the site specified in the Petition and, to the extent necessary in these comments, would ask the Commission to take the necessary steps to enable this site to be used as the transmitter site for the proposed station. In any event, as indicated in the attached Declaration, HPBI intends to seek, and if approved, commence construction pursuant to the proposed allotment.

Accordingly, the Commission should adopt the Notice of Proposed Rule Making and allot Channel 270C to Richardton, North Dakota, as requested.

Respectfully submitted,

**HIGH PLAINS  
BROADCASTING, INC.**

By: *F. William LeBeau*  
F. William LeBeau

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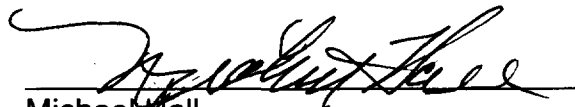
March 29, 1999

**DECLARATION OF MICHAEL HALL**

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel as proposed in the relevant petition and endorsed in the attached comments upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

  
Michael Hall

Executed this 15<sup>th</sup> day of March, 1999.